

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EARTH PRODUCTS INC., a California)	
corporation,)	
Plaintiff,)	NO. CV05-1326Z
)	
v.)	
)	ORDER REGARDING PLAINTIFF'S
MEYNARD DESIGNS, INC., a Massachusetts)	MOTION FOR EXPEDITED
corporation,)	DISCOVERY ON JURISDICTIONAL
Defendant.)	ISSUES
)	
)	

THIS MATTER came before the Court upon the Plaintiff's Motion for Expedited Discovery on Jurisdictional Issues and the Defendant's response to same. The Court finds that limited, expedited discovery is appropriate. Accordingly, it is hereby ORDERED that

(1) Plaintiff, Earth Products Inc. shall be allowed to take depositions of Meynard Designs, Inc. and Earth Visions Inc. pursuant to F.R.C.P. 30(b)(6), with questioning limited to the nature and extent of trademark licensing agreements between the two, issues of common ownership between the two, and the scope of activities of each party related to products sourced, supplied, manufactured, brokered, marketed, or sold by Meynard Designs or Earth Visions Inc. or any agent for Meynard Designs or Earth Visions Inc. at any time in Washington.

1 (2) Plaintiff, Earth Products Inc., shall be allowed to serve document requests on
2 Meynard Designs, Inc. and Earth Visions Inc. pursuant to F.R.C.P. 34(b), with requests
3 limited to the nature and extent of trademark licensing agreements between the two, issues
4 of common ownership between the two, and the scope of activities of each party related to
5 products sourced, supplied, manufactured, brokered, marketed, or sold by Meynard
6 Designs or Earth Visions Inc. or any agent for Meynard Designs or Earth Visions Inc. at
7 any time in Washington.

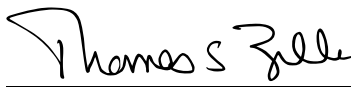
8 (3) After deposition of Meynard and Earth Visions, Plaintiff may inform Defendant
9 of Plaintiff's belief that the discovery tools allowable under this order are inadequate to
10 obtain information that is necessary to respond to Defendant's personal jurisdiction
11 defense. Plaintiff and Defendant shall then confer as to the validity of Plaintiff's
12 contention and the possibility of deposing or serving document requests on third-party
13 witnesses regarding: (a) their interactions and communications with Meynard Designs and
14 Earth Visions relating to products sourced, supplied, manufactured, brokered, marketed, or
15 sold by Meynard Designs or Earth Visions to the third party within the Western District of
16 Washington; and (b) their sources of supply for EARTH brand products delivered to the
17 Western District of Washington. If the parties cannot reach agreement as to the need and
18 appropriate scope (if any) of third-party discovery within these limitations, the Plaintiff
19 may file a motion seeking an Amended Order for Expedited Discovery based upon its
20 belief that the discovery tools allowable under this order are inadequate.

21 (4) Within fourteen days the parties shall confer and submit to the court a proposal
22 for a protective order governing the disclosure of confidential and highly confidential
23

1 material in this action. If the parties cannot agree, each party may independently move for
2 entry of a protective order.

3 (5) Defendants Maynard Design, Inc. and Earth Visions, Inc. shall make
4 themselves available for deposition pursuant to this order no later than November 11,
5 2005.

6 DATED this 17th day of October, 2005.

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8 THE HONORABLE THOMAS ZILLY

9
10 CHRISTENSEN O'CONNOR
11 JOHNSON KINDNESS^{PLLC}

s/Cindy L. Caditz

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